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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,276	09/08/2005	Sam Robertson England	03961.0061USWO	3795
23552	7590	12/07/2006	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			LE, HUYEN D	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/527,276

Applicant(s)

ENGLAND, SAM ROBERTSON

Examiner

Huyen Le

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3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Croser (AU-A-43434/85).

The Croser reference disclose a dual actuation button assembly as shown in Fig. 4 having structures substantially similar to Fig. 1 of the claimed invention, assembly including: dual actuation button members 56, 57; and a single spring 67 adapted to apply a force to both of the button members in a direction opposite to the actuation direction, wherein the spring 67 is capable of maintaining some of the force on one of the button members 56, 57 during actuating movement of the other of the button members.

Regarding claim 2, the button members 56,57 are mounted either side of the spring 67 and each includes a portion adapted to commonly abut a moveable end of the spring 67.

Regarding claim 3, the button members 56,57 include an integral exposed button part (top parts) adapted for movement by a user.

Regarding claim 4, the button members 56,57 are adapted to move in response to movement of an associated exposed button part, the button part being adapted for movement by a user.

Regarding claim 5, the assembly includes a bridge member (the housing containing the spring pointed by numeral 16 in Fig. 4) adapted for mounting to, or forming part of a cistern.

Regarding claim 6, the end of the spring opposite the moveable end is mounted to the bridge member.

Regarding claim 7, the button members 56,57 are mounted for movement relative to the bridge member.

Regarding claim 8, the button members 56,57 are adapted to move between a rest and an actuated position.

Regarding 9, the height of the spring is sized to be slightly in compression when both of the buttons are in the rest position.

Regarding claim 10, the width of the spring is sized to remain at least slightly in compression against one of the buttons in the rest position whilst the other of the buttons in the actuated position.

### ***Response to Arguments***

3. Applicant's arguments filed on 09/26/06 have been fully considered but they are not persuasive.

Regarding applicant's arguments that the spring 67 of Croser shown in Fig. 4 is not capable of maintain some force on one of the button members during actuation

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movement of the other button member as claimed because the spring 67 has a relatively small width and a relatively large height and is closely positioned around the button members 56 and 57, and as a result, when one of the buttons 56 or 57 is depressed, the entire upper end of the spring will be depressed to the point that the upwards force on the other button will be lost, examiner respectfully disagrees with the applicant. Fig. 4 shows that the clearance between the inner surface of the spring and one of the buttons 56 and 57 is the same of that between buttons 56 and 57. Also each of the buttons 56 and 57 abuts on less than half of the upper lip of the spring. Therefore, when one of the button 56 and 57 is depressed, the abutment of one of the buttons on the spring 67 cannot compress the entire spring 67 all the way down. The spring 67 obviously is capable of asserting some force on one button when the other button is depressed at a certain downward distance at the beginning and still maintaining some force on the button when the other button is pressed all the way down.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Le whose telephone number is 571-272-4890. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Huyen Le  
Primary Examiner  
Art Unit 3751

December 4, 2006